

11 October 1974

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NOTE FOR:

Bob,

I had a call today from James Plotkin, Department of Justice, Civil Division, Patent Section, who is handling a patent infringement case brought by Lear-Siegler against the United States. Lear-Siegler holds a U.S. Patent on an oil free Teflon bearing which is used in F-111 aircraft, but which, in fact, is or can be used in other vehicles. Plotkin's problem is that Lear-Siegler's patent appears to be rock solid and he feels the U.S. is certain to lose the case in the Court of Claims unless he can show a defect in the patent.

He wants to know if we have any record of the existence of the same Teflon item or material pre-dating Lear-Siegler's patent. Under 35 U.S.C. 102, for example, if the same thing was patented or described in a publication in the U.S. or a foreign country at some time in the past, a subsequent patent is unenforceable.

I told Plotkin somebody would call him next week (187-3464). I suggest that either you or someone else down there who might be knowledgeable get in touch with him and see if we can be helpful. I find myself listening to a foreign language when patent lawyers begin to use engineering terms. When you find someone who can speak the language, you should consider whether another office, particularly DDS&T, might have information on the same subject.

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